

## REMARKS

The Applicants have received and carefully reviewed the Office Action dated March 1, 2006. Applicants have canceled claim 1 and amended claims 3, 4, 8, 16 and 30 by rewriting the claims as independent, and incorporating all of the limitations of claim 1. Applicants have also amended the dependencies of the remaining claims in view of these amendments. No new matter has been added by these amendments.

### Rejections Under 35 U.S.C. §103(a)

The Examiner has maintained the rejection of claims 1 and 4 as unpatentable under 35 U.S.C. §103(a) over USP 5,067,964 to Richmond et al. According to the Examiner, Richmond et al. disclose an implant comprising two biocompatible materials having a first polymeric component and a second polymeric component, wherein the chain length of one of the polymeric materials is longer than the other because they are different materials. The Examiner states that Richmond et al. does not disclose a polymeric material made from polytetrafluoroethylene or polyurethane, however, the Examiner contends that it would have been obvious for one of ordinary skill in the art to modify the materials of Richmond et al. by selecting other polymeric components such as polyacrylates and related compounds, because it would have been merely a matter of design choice. Applicants traverse this rejection.

The burden is on the Examiner to establish a *prima facie* case of obviousness of the claimed subject matter over prior art references. In re Deuel, 51 F.3d 1552, 1557, 34 USPQ2d 1210, 1214 (Fed. Cir. 1995). Only after that burden is met must the applicant come forward with arguments or evidence in

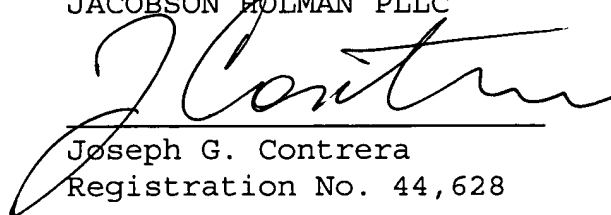
rebuttal. Id. To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

Applicants have amended the claims by canceling claim 1 and rewriting claims 3, 4, 8, 16 and 30 as independent, and incorporating all of the limitations of claim 1 into each of the claims. As such, Richmond et al. do not disclose each and every element of Applicants' remaining amended claims, and Applicants respectfully request withdrawal of the rejection.

It is believed that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Respectfully submitted,

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Date: June 30, 2006  
HBJ/JGC

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